

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 6661**

**BILL NUMBER:** SB 173

**NOTE PREPARED:** Apr 9, 2009

**BILL AMENDED:** Apr 9, 2009

**SUBJECT:** Law Enforcement Training Board.

**FIRST AUTHOR:** Sen. Arnold

**FIRST SPONSOR:** Rep. Niezgodski

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) *Quorum of Members*- The bill reduces from 11 to 9 the number of members required for a quorum for the Law Enforcement Training Board (LETB). The bill reduces from 11 to 9 the number of affirmative votes required for the LETB to take action.

*Bias Crime Training*- The bill requires law enforcement officers to receive training in identifying, responding to, and reporting bias crimes.

*Mutilation of a Corpse*- The bill makes mutilation of a corpse a Class B felony if the mutilation interferes with the investigation of the death.

**Effective Date:** July 1, 2009.

**Explanation of State Expenditures:** (Revised) *Bias Crime Training*- The LETB would, after December 31, 2009, have to amend standards for both basic and continuing in-service law enforcement training. The Indiana Law Enforcement Academy (ILEA) currently dedicates three hours to instruction (as well as overlapping lectures) in bias crimes. This provision should have a minimal impact to LETB or ILEA expenditures.

(Revised) *Mutilation of a Corpse*- A Class B felony is punishable by a prison term ranging from 6 to 20 years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile

in a state juvenile facility was \$69,223. The average length of stay in Department of Correction (DOC) facilities for all Class B felony offenders is approximately 3.7 years.

**Explanation of State Revenues:** (Revised) *Mutilation of a Corpse*- If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

**Explanation of Local Expenditures:** (Revised) *Bias Crime Training*- The impact of this provision would vary depending on the number of local jurisdictions that currently conduct in-service training for bias crimes. For those departments that may not be conducting bias crime training, the expenditure to do so would likely be minimal if the training were able to be accomplished with a video or DVD presentation (with the cost limited to the purchase price of the video or DVD). [There were 36 police departments that reported 37 bias crimes during 2007 to the Indiana State Police. There were 313 nonreporting departments.]

(Revised) *Mutilation of a Corpse*- If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** (Revised) *Mutilation of a Corpse*- If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of the criminal costs fee. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

**State Agencies Affected:** LETB, ILEA, DOC.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, DOC; Indiana State Police, *2007 Bias Crime Report*; Rusty Goodpaster, Executive Director, ILEA.

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